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In re Application of   :   **OFFICE OF PETITIONS**

Huber et al.   :

Application No. 09/770,410   :   ON PETITION

Filed: January 25, 2001   :

Attorney Docket No. P-576   :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 25, 2004, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed October 11, 2002. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on January 12, 2003. A Notice of Abandonment was mailed on June 20, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The terminal disclaimer filed with the instant petition has been accepted and made of record in the above-identified application. The terminal disclaimer was inadvertently charged to petitioner's deposit account twice. Accordingly, the duplicate payment will be credited back.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $475.00 extension of time fee submitted with the petition on March 25, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

This matter is now being forwarded to Technology Center 1700 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
    for Patent Examination Policy